

# Exhibit V

Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

YATRAM INDERGIT, on behalf of  
himself and others similary  
situated,

Plaintiff,

VS.

RITE AID CORPORATION, RITE  
AID OF NEW YORK, INC., and  
FRANCIS OFFOR as Aider  
& Abettor,

Defendants.

\* \* \* \* \*

\* CIVIL ACTION No.  
\* 1:08-cv-09361  
\* PGG-HBP

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DEPOSITION OF RICHARD ALLEN BROWN  
taken on Tuesday, October 4, 2011,  
before Diana C. Nadas,  
Registered Professional Reporter  
and Certified Court Reporter  
in and for the State of Louisiana,  
at Law Offices of  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.,  
639 Loyola Avenue, Suite 2550,  
New Orleans, Louisiana 70113,  
commencing at 10:30 o'clock a.m.

REPORTED BY:

Diana Nadas Roloff, CCR, RPR  
License No. 90012

1 Q. And what steps did you take to try to  
2 increase the sales of your store?

3 A. You make sure that -- you look at your  
4 ad planner and make sure that you feel that you  
5 have enough product to last during the sale and,  
6 hopefully, you can hit it -- the right number so  
7 that you don't have too much after the sale, which  
8 is not always the case. You have your product  
9 fronted, clean. The floors are tidy. The cooler  
10 is presentable. The product is available to them.  
11 Just because it's in the back, that doesn't mean  
12 it's available to them; so that was the manager's  
13 responsibility.

14 Q. And when you say, "in the back," you  
15 mean in the warehouse?

16 A. (Indicating.) No. That it's in the  
17 back of the cooler.

18 Q. Oh, I see.

19 A. Right.

20 Q. So you had to make sure that the product  
21 that was in the cooler was accessible to the  
22 customers?

23 A. That's correct.

24 Q. Okay. If a cashier, either in the  
25 front-end or the pharmacy, was found to be a

1 certain amount over or short on his or her  
2 register, that person was subjected to discipline;  
3 correct?

4 A. That's correct.

5 Q. And that's discipline that you would  
6 administer; right?

7 A. That's correct.

8 Q. Who had the safe combination in your  
9 store?

10 A. Just the three of us.

11 MS. SCOTT:

12 Objection form.

13 BY MR. SCOTT:

14 Q. You, the assistant store manager, and  
15 the relief manager?

16 A. That's correct.

17 Q. Who had the alarm codes?

18 A. The same three.

19 Q. All right. How many hours a week did  
20 you work in 2007?

21 A. I have no clue.

22 Q. I'm assuming that it was more than 40?

23 A. Absolutely. We were required to, at  
24 least, have 50 hours.

25 Q. What was --

1 A. That was the minimum requirement.

2 Q. Did you ever work less than 50?

3 A. Oh, no.

4 Q. Obviously, you went on vacation some  
5 weeks?

6 A. Well, yeah. That's not --

7 Q. But the weeks you were working, you  
8 worked, at least, 50?

9 A. At least, 50.

10 Q. And what -- give me a range. What's the  
11 most?

12 A. The most?

13 Q. Yes.

14 A. Eighty.

15 Q. And what time of year was that? Would  
16 that be inventory time?

17 MS. SCOTT:

18 Objection form.

19 THE WITNESS:

20 Inventory time. Seasonal time.

21 Business time.

22 BY MR. SCOTT:

23 Q. Would your hours increase when your  
24 assistant store manager went on vacation?

25 A. Yes.

1 Q. And when you had a fully-staffed  
2 management team, your hours are not as high;  
3 right?

4 A. Not, necessarily.

5 Q. Depending on the time of season?

6 A. Right.

7 Q. All right. But that's a factor; right?

8 A. Yes.

9 Q. What are the other factors, besides the  
10 ones we've already discussed, which is seasonal,  
11 inventory, staffing, that might cause your hours  
12 to go up or down?

13 A. Planograms. If you had to stay over to  
14 monitor the mopping crew.

15 Q. The store had a cleaning crew that came  
16 through overnight?

17 A. Yes. Not every night, but yes.

18 Q. Some nights?

19 A. Yes.

20 Q. And so when the cleaning crew came  
21 through, you had to stay there and make sure that  
22 they weren't stealing things, among --

23 A. Make sure --

24 Q. -- other reasons --

25 A. -- the store had representation by the

1 with milk, beer, soft drinks, the customer has no  
2 access to you; so, therefore, you weren't doing  
3 managerial responsibilities.

4 Q. And would you be able to, for instance,  
5 supervise your employees in the front-end of the  
6 store -- strike that. Would you be able to  
7 supervise an employee who was working the cash  
8 register if you, yourself, were cleaning the  
9 bathroom?

10 A. No.

11 MR. SCOTT:

12 Objection to form.

13 BY MS. SCOTT:

14 Q. And did Rite Aid expect you to still  
15 supervise the store while completing  
16 non-managerial tasks?

17 A. Absolutely.

18 Q. Did Rite Aid expect you to provide  
19 customer service, even though you were doing  
20 non-managerial tasks?

21 A. Absolutely, yes.

22 Q. Who made the final decision regarding  
23 setting the budget while you were a store manager  
24 at Rite Aid?

25 MR. SCOTT:

1 Object to form.

2 THE WITNESS:

3 Say that one more time.

4 BY MS. SCOTT:

5 Q. Who made the final decision regarding  
6 setting a budget while you were a store manager at  
7 Rite Aid?

8 MR. SCOTT:

9 Same objection.

10 THE WITNESS:

11 Well, Staffworks set the -- the  
12 objective. No, we weren't -- we had to go  
13 with what it said.

14 BY MS. SCOTT:

15 Q. And was Staffworks -- strike that. Were  
16 you able to alter the budget, at all?

17 MR. SCOTT:

18 Object to form.

19 THE WITNESS:

20 No. Couldn't go over the budget.

21 BY MS. SCOTT:

22 Q. And who controlled Staffworks?

23 A. A couple of college kids in Camp Hill,  
24 Pennsylvania.

25 Q. Were they controlled by the Corporate



1 Office at Rite Aid?

2 A. That's correct.

3 Q. So you had no control over the actual  
4 budget in your store?

5 MR. SCOTT:

6 Object to form.

7 THE WITNESS:

8 No.

9 BY MS. SCOTT:

10 Q. And do you believe that the budget  
11 policy that Rite Aid had, while you were a store  
12 manager at Rite Aid, left you understaffed in your  
13 stores?

14 MR. SCOTT:

15 Object to form.

16 THE WITNESS:

17 Absolutely.

18 BY MR. SCOTT:

19 Q. And because you were understaffed,  
20 inadequately staffed, do you believe that that's  
21 the reason that you were having to complete  
22 non-managerial tasks, as a store manager at Rite  
23 Aid?

24 MR. SCOTT:

25 Object to form.

WITNESS' CERTIFICATE

I, RICHARD ALLEN BROWN, do hereby certify  
that I have read or have had read to me the  
foregoing transcript of my testimony, given on  
Tuesday, October 4, 2011, and hereby certify that  
it is a true and correct transcription of my  
testimony, with the exception of any corrections  
or changes attached hereto.

(CHECK ONE)

( ) WITHOUT CORRECTIONS.

( ) WITH CORRECTIONS, AND/OR  
ADDITIONS ATTACHED HERETO.

SIGNATURE: \_\_\_\_\_

# Exhibit W

Yatram Indergit, et al. v. Rite Aid Corporation, et al.  
Vincent Brown

08 CV 9361 (PGG)  
October 17, 2011

Page 1

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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YATRAM INDERGIT, on behalf of :

Himself and all others similarly:

Situated, :

Plaintiff, :

v. : NO. 08 CV 9361 (PGG)

RITE AID CORPORATION, RITE AID :

Of NEW YORK, INC., and FRANCIS :

OFFOR as aider and abettor, :

Defendants. :

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Deposition of VINCENT BROWN

Washington, D.C.

Thursday, October 17, 2011

10:00 a.m.

**COPY**

Job No.: 79485

Pages 1 through 373

Reported by: Cassandra E. Ellis, RPR



**Yatram Indergit, et al. v. Rite Aid Corporation, et al.**  
**Vincent Brown**

**08 CV 9361 (PGG)**  
**October 17, 2011**

**10 (Pages 34 to 37)**

Page 34	Page 36
<p>1 Q Do you remember how old the previous  2 assistant was?  3 A It was a she.  4 Q Oh, a she, finally a girl?  5 A She probably was 25.  6 Q Oh, okay.  7 A We got stuck up a couple of times and her  8 husband didn't want her to be there any longer. You  9 know what I mean by stuck up?  10 Q Someone Robbed?  11 A Robbed, yes, ma'am.  12 Q So she was the manager in charge of the  13 store during the robberies?  14 A Yes, ma'am. Well, not robberies, she was  15 there only one time.  16 Q Oh, one time?  17 A Yes, ma'am, the other robbery happened  18 before, even before I got there.  19 Q Do you remember about what year that  20 robbery was?  21 A Two -- 2006.  22 Q 2006? And how long was she the overnight  23 assistant?  24 A Not even a year.  25 Q And who was before her?</p>	<p>1 Q So any other assistant managers, who worked  2 the overnight shift, other than those three?  3 A Tobias wasn't a person that I hired, it was  4 a person that Rite Aid transferred from another store  5 to there. So I really -- he was a salaried, I think  6 he was waiting for another store to open so he can  7 move into a store, but he wasn't with me that long,  8 not even three months was he there.  9 Q During -- during those three months he was  10 on the overnight, though; right?  11 A Well, I was, too, because we had to unload  12 trucks at 3:00 in the morning. So every time he was  13 there I was there unloading trucks with him.  14 Q You had to unload trucks every day?  15 A Every Friday night.  16 Q Okay.  17 A Or Thursday night, Friday mornings, 3:00  18 a.m., in the morning.  19 Q Okay. So every Friday night you were there  20 with him?  21 A Every Friday morning, yes, ma'am, I was.  22 Q Oh, yeah, Friday morning?  23 A Mm-hmm.  24 Q But during the other shifts you weren't on  25 the overnight, he was, though; right?</p>
Page 35	Page 37
<p>1 A We weren't overnight.  2 Q Oh.  3 A Remember?  4 Q Did you ever have an assistant named  5 Tobias?  6 A Tobias? Where did that come from, Tobias?  7 Q Tobias Johnson?  8 A Yes, that sounds familiar, that,  9 definitely, Tobias, yeah, that does sound familiar,  10 Tobias. He was an elderly, older black gentleman,  11 yes, Tobias, yes.  12 Q Was he also an overnight assistant?  13 A Tobias, they transferred him in, and he did  14 work overnight, yes, he did.  15 Q But that was before Peru?  16 A No. Peru has -- was there all the time  17 that I was there.  18 Q Oh, okay. Was it before Peru went to  19 overnights?  20 A Yes.  21 Q Okay. And it was before the young lady, as  22 well?  23 A Mm-hmm. Mm-hmm.  24 Q Yes?  25 A Yes. Yes.</p>	<p>1 A When everybody left, yes, ma'am, I was the  2 only one that was on the overnight shift, me and one  3 other person.  4 Q Okay. Did you always do the truck, on the  5 overnight shifts, no matter who was the assistant  6 manager during that shift?  7 A No, ma'am.  8 Q Okay. So sometimes the assistant manager  9 took in the truck?  10 A When it was Peru and Tobias, yes. Those  11 two did it, there was no need for me to be there.  12 Q Okay. Because they handled it?  13 A Yes, ma'am.  14 Q And other than Peru having his hand in the,  15 what did you say, in the till?  16 A The till, mm-hmm.  17 Q Other than that he performed his job?  18 A Mm-hmm.  19 Q Yes?  20 A Yes, ma'am. Yes, ma'am.  21 Q And Tobias did, too?  22 A Yes.  23 Q What about -- do you remember the young  24 lady's name? You don't?  25 A I can't recall her name.</p>



**Yatram Indergit, et al. v. Rite Aid Corporation, et al.**  
**Vincent Brown**

**08 CV 9361 (PGG)**  
**October 17, 2011**

**11 (Pages 38 to 41)**

Page 38	Page 40
<p>1 Q Okay. And what about her, did she perform  2 her job?  3 A Yes.  4 Q So you trusted them to handle the overnight  5 shift?  6 A Yes.  7 Q So the times you were talking about being  8 there for the truck that was after all of those people  9 left; correct?  10 A Yes, ma'am.  11 Q Do you know why they didn't hire -- why you  12 didn't hire another assistant manager to work the  13 overnight shift?  14 MS. REHMAN: Objection to form. You can  15 answer.  16 A Because I didn't do the hiring once Rite  17 Aid took over. When it came to salaried managers Rite  18 Aid did all the hiring.  19 Q So Rite Aid hired salaried managers?  20 A Yes, ma'am.  21 Q But why didn't they replace Peru?  22 A Good question.  23 MS. REHMAN: Objection to form. You can  24 answer.  25 A To me, that's a good question.</p>	<p>1 have an assistant overnight; is that correct?  2 A Mm-hmm.  3 MS. REHMAN: Objection to the form. You  4 can answer.  5 A Yes.  6 Q But your understanding was that there was  7 some sort of administrative hold up?  8 A I don't know, miss. I, 'til this day, I  9 don't know what -- why they didn't hire anybody.  10 Q Have you been back in that store?  11 A Don't have to, nothing what I need to go  12 back in there for.  13 Q Okay. So you don't know whether they hired  14 someone?  15 A Oh, I know the morning when I was leaving  16 out the front door they already had a manager from  17 Rite Aid right around the corner. She was sitting in  18 the parking lot waiting for me. Once I left she just  19 went in and she became the store manager for about  20 four months. And then she was -- she was gone.  21 Q Do you know why she left?  22 A Nope. Didn't care.  23 Q But I guess I should be clear about what I  24 was asking. I didn't -- I actually didn't mean the  25 store manager that replaced you I meant whether they</p>
Page 39	Page 41
<p>1 Q Did you ask about it?  2 A Oh, of course. Do you think I would enjoy  3 working from 3:00 in the morning to 12:00 in the  4 evening, going home, and coming back at 10:00 p.m.  5 that same day? How many people do you think would  6 enjoy doing that? And I did that for at least four --  7 four or five months.  8 Q So -- so I'm correct that you did ask about  9 another assistant?  10 A I did ask. I inquired. I called. I  11 called the personnel to find out what was going on.  12 Q And what was the response?  13 A They were -- they were working on it.  14 Q And by "personnel" do you mean human  15 resources or...  16 A Yes. Yes. Yes, mm-hmm.  17 Q And you also called your district manager;  18 right?  19 A He was well aware of what was going on, I  20 didn't need to call him, he would stop in every now  21 and then and he would just make a comment and saying  22 that we got to get you some help. I'm like, I'm  23 waiting, I'm looking for it, whenever you ready give  24 it to me.  25 Q So the district manager also wanted you to</p>	<p>1 hired an assistant for her?  2 A Oh, yes, they did.  3 Q They did?  4 A This lady, she had to be in her probably  5 early 60s, and there was no way that she could run  6 that store by herself, like I did, so they had to get  7 her some help. I mean, it would be ridiculous not to  8 get her any help. It was ridiculous for them not to  9 give me help but they did.  10 Q And you don't understand why they did not  11 get you help; is that correct?  12 A Yes, ma'am, I did not understand.  13 Q And you said it was about four or five  14 months --  15 A Yes, ma'am.  16 Q -- that you were short one assistant?  17 A Yes, ma'am. The overnight assistant, not  18 just one assistant, I can deal with the day, with one  19 assistant, because I can get the other one to work  20 some extra hours, but nobody wanted to work the  21 overnight.  22 Q So the overnight assistant was a critical  23 position in your store?  24 A Oh, yes. Yes, ma'am. I mean, it would  25 have been on automatic pilot if there was no assistant</p>



**Yatram Indergit, et al. v. Rite Aid Corporation, et al.**  
**Vincent Brown**

**08 CV 9361 (PGG)**  
**October 17, 2011**

**15 (Pages 54 to 57)**

Page 54	Page 56
<p>1 observation in the store, and they observed somebody</p> <p>2 doing something that they shouldn't have done.</p> <p>3 Q Like theft?</p> <p>4 A Yes, or cheating on the time clock or</p> <p>5 something to that effect, they would fire that person.</p> <p>6 And then when I get there they would tell me that they</p> <p>7 fired this gentleman for this or we got rid of this</p> <p>8 gentleman for that, so that's how they worked.</p> <p>9 Q But that wasn't the DM, that's loss</p> <p>10 prevention; right?</p> <p>11 A Well, they worked side by side. Most of</p> <p>12 the time when you saw him the DM was right with him.</p> <p>13 Q And we're talking about Peru and about the</p> <p>14 two people, Sheiffel's brother and that assistant</p> <p>15 manager; right?</p> <p>16 A Sheiffel's brother wasn't -- I don't think</p> <p>17 Sheiffel brother was during the -- the Rite Aid era.</p> <p>18 Q Oh, okay.</p> <p>19 A I think Peru was.</p> <p>20 Q Okay. So we're talking about Peru, then,</p> <p>21 in this, this context of how firing occurs?</p> <p>22 A No.</p> <p>23 MS. REHMAN: Objection to form. You can</p> <p>24 answer.</p> <p>25 A No. There was other people that was fired,</p>	<p>1 A Yes.</p> <p>2 Q And then you said you agreed with that</p> <p>3 decision; is that right?</p> <p>4 A Yes.</p> <p>5 Q So I guess my only question is, so if -- if</p> <p>6 you had been making that decision you would have made</p> <p>7 the same decision; right?</p> <p>8 A Under the circumstances, yes, I would have,</p> <p>9 yes.</p> <p>10 Q Did K-Mart have a loss prevention</p> <p>11 department?</p> <p>12 A Oh, yeah.</p> <p>13 Q Do you think most major companies do?</p> <p>14 A Oh, yes.</p> <p>15 Q Why?</p> <p>16 A You have to.</p> <p>17 MS. REHMAN: Objection to form.</p> <p>18 BY MS. PUCKETT:</p> <p>19 Q Why?</p> <p>20 A You have to.</p> <p>21 Q Why do you have to?</p> <p>22 A Because there's certain things that</p> <p>23 security have to do that the customer service people</p> <p>24 aren't qualified to do, customer service people can't</p> <p>25 watch one another. Security can sit back in his</p>
Page 55	Page 57
<p>1 by the Rite Aid people, that I had nothing -- they --</p> <p>2 they told me that they had did it, they told me that</p> <p>3 they were going to do it, but I had no say so in it,</p> <p>4 it wasn't like I had to go and look at the tapes to</p> <p>5 see it for myself, which I did anyway.</p> <p>6 Q Why did you do it anyway?</p> <p>7 A Because I'm so used to do it, I mean, if</p> <p>8 you're going to tell me my person is stealing money I</p> <p>9 want to see it for myself. Even though they had</p> <p>10 already made the decision to fire the person but I</p> <p>11 still want to see it, you know.</p> <p>12 Q Did they ever make a decision to fire</p> <p>13 someone that you did not agree with?</p> <p>14 A No, because I saw it for myself.</p> <p>15 Q So you would have come to the same</p> <p>16 decision?</p> <p>17 MS. REHMAN: Objection to form.</p> <p>18 A I don't understand your question. What do</p> <p>19 you mean I would have --</p> <p>20 Q So you say that the loss prevention</p> <p>21 department did the firing?</p> <p>22 A Mm-hmm.</p> <p>23 Q Is that -- is that right?</p> <p>24 A Mm-hmm.</p> <p>25 Q Yes?</p>	<p>1 office and observe the coming and going of everyone,</p> <p>2 customers and employees.</p> <p>3 Q But what about the manager, can't the</p> <p>4 manager do that?</p> <p>5 A No, that wasn't part of my job.</p> <p>6 Q But I mean you said that you have to have a</p> <p>7 loss prevention department?</p> <p>8 A Yes, ma'am, you have to, that's just --</p> <p>9 well, not to cut you off.</p> <p>10 Q That's okay, go ahead.</p> <p>11 A That's just like having a president that</p> <p>12 don't have a vice president.</p> <p>13 Q And you mentioned that one of your</p> <p>14 assistant managers was actually stealing, Peru was;</p> <p>15 right?</p> <p>16 A Mm-hmm.</p> <p>17 Q Yes?</p> <p>18 A Yes.</p> <p>19 Q So one of the reasons that loss prevention</p> <p>20 has to be involved is because maybe the store manager</p> <p>21 might be stealing?</p> <p>22 A Yeah, exactly.</p> <p>23 Q That's happened before; right?</p> <p>24 A Yes. Yeah, exactly, they could be in</p> <p>25 cahoots. And if you're stealing and I'm stealing and</p>



**Yatram Indergit, et al. v. Rite Aid Corporation, et al.**  
**Vincent Brown**

08 CV 9361 (PGG)

October 17, 2011

17 (Pages 62 to 65)

Page 62	Page 64
<p>1 meant Rite Aid?</p> <p>2 A I never signed anything with Rite Aid.</p> <p>3 Q Okay.</p> <p>4 A They just took over, and whatever was</p> <p>5 there, it was Rite Aid's now. So anything I signed</p> <p>6 with Eckerd became the property of Rite Aid. They</p> <p>7 didn't renegotiate out contracts or anything, which</p> <p>8 really basically wasn't a contract, it was just an</p> <p>9 acknowledgment.</p> <p>10 Q So the contract -- the -- what you were</p> <p>11 referring to as a contract --</p> <p>12 A Was a --</p> <p>13 Q -- was an acknowledgment?</p> <p>14 A Yes, ma'am, it was an acknowledgment.</p> <p>15 Q An acknowledgment of what?</p> <p>16 A That we understood the reason why we were</p> <p>17 store managers and what we were expected to do.</p> <p>18 Q And that, that part of it, didn't change</p> <p>19 when Rite Aid took over?</p> <p>20 A Oh, yes, it did.</p> <p>21 Q But they had -- I'm sorry, I -- okay. I --</p> <p>22 I'm just getting the paperwork part. So</p> <p>23 paperwork-wise they didn't have you sign anything</p> <p>24 different?</p> <p>25 A Rite Aid did not.</p>	<p>1 Q And you were referring earlier to the</p> <p>2 changes that Rite Aid made. Can you tell me about</p> <p>3 those, generally?</p> <p>4 A You know, it's almost like you don't want</p> <p>5 to relive a horrible situation. So you know, I -- I</p> <p>6 -- I can't tell you everything. I won't tell you</p> <p>7 everything, because the things that -- that I had to</p> <p>8 go through no one else should ever have to go through</p> <p>9 them. I'll just leave it at that.</p> <p>10 Q You understand you're under oath; right?</p> <p>11 A I'm telling you the truth.</p> <p>12 Q Yeah, you understand that you have to</p> <p>13 answer my questions?</p> <p>14 A Yes, ma'am, I do.</p> <p>15 Q So you understand that even if you don't</p> <p>16 want to relive it you sort of have to, for purposes of</p> <p>17 today?</p> <p>18 A Okay.</p> <p>19 Q And I'm sorry for making you.</p> <p>20 A I'll relive as much as I can remember.</p> <p>21 Q Okay, perfect, as long as we understand</p> <p>22 that?</p> <p>23 A Mm-hmm.</p> <p>24 Q So what things that you had to go to, that</p> <p>25 you were referring to, that no one should have to go</p>
Page 63	Page 65
<p>1 Q Is that your testimony?</p> <p>2 A Rite Aid did not.</p> <p>3 Q And did they give you a new manual?</p> <p>4 A They gave us a new company policy, yes,</p> <p>5 they did.</p> <p>6 Q And did you sign anything, an</p> <p>7 acknowledgment of that?</p> <p>8 A Nope, no, ma'am, sure didn't.</p> <p>9 Q Okay. So when you say that everything you</p> <p>10 signed with Eckerd became the property of Rite Aid --</p> <p>11 A Mm-hmm.</p> <p>12 Q -- you mean that the contract or the</p> <p>13 acknowledgment, that you signed with Eckerd, Rite Aid</p> <p>14 didn't have you sign a new one; right?</p> <p>15 A No, they did not.</p> <p>16 MS. REHMAN: Objection to form. Please let</p> <p>17 me make my objection before you respond.</p> <p>18 THE WITNESS: Oh, sorry, sorry.</p> <p>19 BY MS. PUCKETT:</p> <p>20 Q But they did give you a new handbook to</p> <p>21 read; is that correct?</p> <p>22 MS. REHMAN: You can answer.</p> <p>23 A Yes.</p> <p>24 Q And you did read it; correct?</p> <p>25 A Yes, mm-hmm.</p>	<p>1 through?</p> <p>2 A The one I spoke to you earlier, about me</p> <p>3 being the overnight manager and the store manager, and</p> <p>4 they never got me anybody to replace me.</p> <p>5 Q What else?</p> <p>6 A What else?</p> <p>7 Q I'm not -- I'm not -- I'm not trivializing</p> <p>8 that experience but I want to make sure that we talk</p> <p>9 about everything?</p> <p>10 A Them not being able to -- well, everything</p> <p>11 -- it sounds like we just keep talking about the same,</p> <p>12 I mean, it's coming out different but we keep saying</p> <p>13 the same thing over and over and over.</p> <p>14 Q Okay?</p> <p>15 A The -- the -- I told you about not having</p> <p>16 any merchandise, empty pegs, that's one of the things.</p> <p>17 Q Okay.</p> <p>18 A The -- the not being involved in -- in</p> <p>19 ordering merchandise. When it came, when it did</p> <p>20 eventually come in, you set up the plan-o-gram and you</p> <p>21 put it out, regardless if it's -- if it's something</p> <p>22 that -- that has already been a proven fact that it</p> <p>23 won't sell in my store, if it was on the plan-o-gram</p> <p>24 you were to put it out, and it went out and it sat</p> <p>25 there and it sat there.</p>

REPORTED BY: Cassandra E. Ellis, RPR

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**Yatram Indergit, et al. v. Rite Aid Corporation, et al.**  
**Vincent Brown**

**08 CV 9361 (PGG)**  
**October 17, 2011**

**18 (Pages 66 to 69)**

Page 66	Page 68
<p>1 And -- and just feeling like a robot all  2 the time, you know, just coming in and just -- just  3 being a robot. All we did was just push freight out  4 the door, bring freight in the door, clean bathrooms.  5 I mean, there's a lot of -- lot of stuff  6 that, as a manager, that I didn't feel like I was the  7 manager. I felt like a robot.  8 Q And that changed when Rite Aid took over?  9 MS. REHMAN: Objection to form.  10 BY MS. PUCKETT:  11 Q I'm sorry. The -- withdrawn. The question  12 that I was asking, I think I asked it backwards, this,  13 this feeling like a robot, that was only under Rite  14 Aid and not under Eckerd?  15 A Yes. Yes, it was.  16 Q Do you remember the name of your last  17 district manager with Rite Aid?  18 A Mm-mm.  19 Q No?  20 A Mm-mm.  21 Q I'm sorry, can you just say no?  22 A No. I'm sorry. I'm sorry.  23 Q And do you remember the name of any of your  24 district managers?  25 A No.</p>	<p>1 Aid?  2 A Yeah, they shipped him away on the Maryland  3 side. I don't -- I don't know what happened to him.  4 Chances are he didn't -- he didn't make it, either.  5 Q Why do you think he didn't make it?  6 A Because he warned me before he left. He  7 said, these guys are after you, just do what they ask  8 and you'll be fine.  9 Q "These guys" meaning your new DM?  10 A Yeah.  11 Q Anybody other than the new DM?  12 A No, no, that's not -- don't be specific, it  13 wasn't just my DM, it was Rite Aid.  14 Q The entire --  15 A It wasn't --  16 Q -- company?  17 A He said, these guys don't want you around.  18 They don't want Eckerd people around. You do what you  19 -- what they ask you to do then you'll stay around a  20 little bit longer than other people.  21 Q So you think that Rite Aid treated the  22 Eckerd managers differently?  23 A Oh, yes, ma'am, it was very obvious, it was  24 very obvious.  25 Q So they treated Eckerd managers differently</p>
Page 67	Page 69
<p>1 Q Was it the same district manager the whole  2 time or did you have several?  3 A Which one are you talking about, Rite Aid  4 or Eckerd?  5 Q During the entire five-year period?  6 A Rite Aid and Eckerd.  7 Q And Eckerd, both.  8 A Eckerd was the same. Rite Aid, there was  9 two.  10 Q And they were both men but you don't  11 remember their names?  12 A No, I do not.  13 Q Did you like one of them more than the  14 other?  15 A I can't like men. I work for them. I do  16 the job. I don't -- I'm not there to be their friend.  17 I treated both of them equally. They were my bosses.  18 Q Did they both treat you equally?  19 A No.  20 Q Which one treated you better?  21 A It wasn't a matter of better. It's -- it's  22 a matter of respect.  23 Q Okay, which one respected you more?  24 A The Eckerd person.  25 Q Did the Eckerd person continue with Rite</p>	<p>1 from Rite Aid managers, people who came from core Rite  2 Aid stores -- is that -- is that what you're saying?  3 MS. REHMAN: Objection to form. You can  4 answer.  5 A I can only speak for myself, miss. I know  6 they definitely treated me differently.  7 Q And you believe it was because you were an  8 Eckerd manager?  9 A Mm-hmm, I know it was because of that, plus  10 I was a high -- a high salary manager, also.  11 Q Do you remember what your salary was at  12 Rite Aid?  13 A It depend on the bonus. The last year I  14 was there my salary was 82,693 and some change.  15 Q And did that include the bonus?  16 A Yes.  17 Q Were you salaried the entire time you  18 worked for Rite Aid and Eckerd?  19 A Yes.  20 Q And you understood that you would be paid  21 the same salary no matter how many hours you worked?  22 A I'm trying to understand your question.  23 Q Did you --  24 A As a salaried manager you don't -- you  25 don't -- I want to answer your question, it's hard to</p>



**Yatram Indergit, et al. v. Rite Aid Corporation, et al.**  
**Vincent Brown**

08 CV 9361 (PGG)

October 17, 2011

35 (Pages 134 to 137)

Page 134	Page 136
<p>1 A And I think I said, no, I don't know.  2 Q Okay. That's all I was asking.  3 A Okay, that's what you --  4 Q That's what I was asking.  5 A Okay, all right.  6 Q And now I'm asking -- now I'm asking, you  7 never worked in a Rite Aid after the transition was  8 complete; is that correct?  9 A Correct.  10 MS. REHMAN: Objection to form.  11 THE WITNESS: I'm sorry.  12 MS. REHMAN: You can answer. That's okay.  13 A Yes.  14 Q So you don't know what it's like to run a  15 Rite Aid store after the transition was complete;  16 correct?  17 MS. REHMAN: Objection to form. You can  18 answer.  19 A I don't know.  20 Q So I'm correct?  21 MS. REHMAN: Objection to form. You can  22 answer.  23 A Somewhat.  24 Q Tell me what the somewhat is about?  25 A I mentioned that the way that I went out</p>	<p>1 remember what it dropped to?  2 A Oh, it was on 30, 40, 50 percent off of  3 last year's sales.  4 Q Did you look at the sales numbers  5 regularly?  6 A I had to, it was a -- it was a daily thing  7 that you had to go in and see how much -- how much  8 money you had to do for the day. And if you didn't  9 make that day then you had to do even double the next  10 day so it would be up to where you were going to beat  11 the weekly figures.  12 Q So looking at the numbers was an essential  13 job of yours; right?  14 A Oh, yes, ma'am.  15 Q What about Peru, did he look at them, too?  16 A Yeah.  17 MS. REHMAN: Objection to form. You can  18 answer.  19 A He was my first assistant, he was privy to  20 the same information, because when I wasn't there he  21 had to make sure that the -- the merchandise was  22 continued to flow when we did have Eckerd merchandise  23 in the back room to fill the counters, and the  24 warehouse truck put up and everything else, yes,  25 ma'am.</p>
Page 135	Page 137
<p>1 with Eckerd I wouldn't want to know what it would be  2 like to run a full core Rite Aid, because of the way  3 they treated me before I even got a chance to realize  4 it, they just want -- they use us like robots and  5 cleanup men, that was all that it was, robots and  6 cleanup men.  7 We got all the Eckerd merchandise out of  8 there and once that was accomplished I never even  9 stayed around to see the Rite Aid stuff --  10 Q Exactly.  11 A -- coming in.  12 Q So that is what I'm asking you, I'm asking  13 you if you know what it would be like today, and the  14 answer is you don't. I understand that --  15 A No, I don't know. I don't know.  16 Q Okay.  17 MS. REHMAN: Objection to form, misstating  18 his testimony.  19 BY MS. PUCKETT:  20 Q Well, did you -- do you know what it would  21 be like to run a Rite Aid store today?  22 A No.  23 Q Thank you. We were talking about the sales  24 volume of your store and you said that during that  25 period of time your sales volume dropped. Do you</p>	<p>1 Q What about the young lady, the 25-year-old,  2 was she privy to that information?  3 A No. Overnight they don't need to know that  4 information.  5 Q Because they're doing sort of a different  6 job?  7 A Yes, ma'am, mm-hmm.  8 Q Even when Peru was overnight was he still  9 privy to it?  10 A Mm-hmm.  11 Q Yes?  12 A Yes, ma'am.  13 Q Because he was your first assistant?  14 A Yes, ma'am.  15 Q So, and then that goes also for -- strike  16 that -- you said the 25-year-old was an overnight  17 assistant and she didn't have any need for that  18 information?  19 A No.  20 Q Does that also go for Tobias?  21 A Yes. Even though Tobias, I guess he was a  22 store manager somewhere. I don't -- I never got into  23 that with him but he knew how the system -- he knew  24 how Rite Aid's system worked so he could just go in  25 and look at figures anytime he wanted to.</p>



**Yatram Indergit, et al. v. Rite Aid Corporation, et al.**  
**Vincent Brown**

08 CV 9361 (PGG)

October 17, 2011

41 (Pages 158 to 161)

Page 158	Page 160
<p>1 employees was questioning why she still here. She's  2 late all the time but she don't call in.  3 Q Was she -- did she usually work the same  4 shift as you or did she work an overnight?  5 A She just worked mornings.  6 Q So this was not on the overnight shift,  7 this was in the morning?  8 A Right.  9 Q Did you -- did you let her go?  10 A Mm-hmm.  11 Q You did?  12 A I had to.  13 Q Because she kept not showing up for work;  14 right?  15 A Yeah.  16 Q Do you remember about what year that was?  17 A No, ma'am.  18 Q If that happened on the nightshift what  19 would the assistant manager in charge do?  20 MS. REHMAN: Objection to form. You can  21 answer.  22 A What do you -- what do you mean? If  23 somebody failed to show up?  24 Q Yes.  25 A He would -- he would let me know.</p>	<p>1 MS. REHMAN: That's okay.  2 A I hope he did.  3 Q Did you ever present him with a situation  4 and he decided not to fire the person?  5 A No.  6 Q So he always trusted your judgment about  7 the particular situation; right?  8 MS. REHMAN: Objection to form. You can  9 answer.  10 A Not every -- not every one, like he never  11 got me a -- another assistant after they fired Peru.  12 Q Right, but specifically regarding  13 terminations?  14 A I never had a problem with that, yes,  15 ma'am. He -- he did do a good job there.  16 Q Do you remember how many times that  17 happened where you --  18 A Probably once or twice.  19 Q You had a pretty good crew?  20 A Oh, yeah, that's the only way you're going  21 to function.  22 Q And so you --  23 A Until I had to cut hours. When I cut hours  24 then it just started getting real rough.  25 Q What do you mean?</p>
Page 159	Page 161
<p>1 Q Would he wake you up?  2 A No, not call me. He would let me know the  3 next day, when I came in, in the morning, because I  4 got there at 7:00 and he left at 7:00, 7:30. He would  5 let me know that Susan didn't come to work last night.  6 And I would say, that's it, we got to get rid of  7 Susan, that's what Eckerd.  8 With Rite Aid we couldn't fire nobody. If  9 we had to fire somebody it had to go through the DM.  10 He had to make that decision.  11 Q Did you ever ask the DM to make that  12 decision?  13 A About firing somebody?  14 Q Yes.  15 A I gave him the situations and he determined  16 if that person was fired. I never asked him, it was  17 up to him to determine if the person should be fired  18 or not.  19 Q But it was up to you to bring that  20 situation to his attention; right?  21 A Yes, exactly.  22 Q And did he -- did he trust your judgment?  23 MS. REHMAN: Objection to form. You can  24 answer.  25 THE WITNESS: I'm sorry.</p>	<p>1 A Like I said, when I had to cut hours it  2 wasn't the same.  3 Q And what do you mean by getting real rough,  4 like people --  5 A I mean people not -- they figured they had  6 the attitude if you going to pay me 32 hours a week  7 that's all you going to get out of me.  8 Q People felt less invested in the store?  9 A Yes.  10 Q So the morale dropped?  11 A Yes, exactly.  12 Q Did you try to improve the morale?  13 A I tried it, we always had meetings  14 discussing that, I would just say it's going to get  15 better, because that's what we were told to keep the  16 morale up with the employees, just tell them it's  17 going to get better. Things are going to change, just  18 have to hang in there.  19 Q But your morale was pretty low, too; right?  20 MS. REHMAN: Objection to form. You can  21 answer.  22 A My morale was pretty low? No, because I  23 was a robot. A robot doesn't have morales. You just  24 do what you were told to do.  25 Q Your testimony was that you had no emotion</p>



Yatram Indergit, et al. v. Rite Aid Corporation, et al.  
Vincent Brown08 CV 9361 (PGG)  
October 17, 2011

42 (Pages 162 to 165)

Page 162	Page 164
<p>1 about the change?</p> <p>2 MS. REHMAN: Objection to form.</p> <p>3 A I had no emotion about the change.</p> <p>4 Q I asked you if your morale was low, and you</p> <p>5 said, no, no, it wasn't, because you were a robot?</p> <p>6 A Mm-hmm.</p> <p>7 Q I don't understand that.</p> <p>8 A Well, like, again, I'm going to explain it</p> <p>9 to you. A robot just functions. They don't have</p> <p>10 feelings, they don't have morale, they just function.</p> <p>11 Have you ever seen Lost in Space? That</p> <p>12 robot didn't have any feelings. He just did what Will</p> <p>13 Smith told him to do.</p> <p>14 Q At the end of the movie I don't believe</p> <p>15 that was the case, was it?</p> <p>16 MS. REHMAN: Objection to form.</p> <p>17 BY MS. PUCKETT:</p> <p>18 Q Maybe I'm thinking of i, Robot, that was</p> <p>19 Will Smith?</p> <p>20 A I'm sorry, Will Robinson was the Lost in</p> <p>21 Space.</p> <p>22 Q Okay. At the end of i, Robot the robot</p> <p>23 ended up taking over and having emotions, doesn't it?</p> <p>24 A Yeah, they were employing that into them.</p> <p>25 They was getting ready to have them take over the</p>	<p>1 that's why I'm asking. I'm asking if you agree with</p> <p>2 the question.</p> <p>3 A The last question you're applying it into a</p> <p>4 totally different situation.</p> <p>5 Q So when you say robot you're talking about</p> <p>6 the merchandising aspect?</p> <p>7 A I'm talking about working for Rite Aid,</p> <p>8 period.</p> <p>9 Q Okay, but the time period --</p> <p>10 A On everything.</p> <p>11 Q But that includes the time you took</p> <p>12 situations to your DM, does it not?</p> <p>13 A Of course, miss, I'm not going to stop</p> <p>14 doing that.</p> <p>15 Q So that wasn't very robotic?</p> <p>16 MS. REHMAN: Objection to form. Is that a</p> <p>17 question or a statement?</p> <p>18 THE WITNESS: Yeah, really? You want me to</p> <p>19 answer that, because I don't understand if it's a</p> <p>20 question or a statement.</p> <p>21 MS. PUCKETT: I'll ask you to refrain from</p> <p>22 speaking objections.</p> <p>23 MS. REHMAN: Okay. And I'll ask you to ask</p> <p>24 him questions.</p> <p>25 THE WITNESS: Yeah, really.</p>
Page 163	Page 165
<p>1 whole human race.</p> <p>2 Q If someone asked you to be a robot don't</p> <p>3 you think that would decrease your morale?</p> <p>4 A Well, it wasn't asking you, it's on paper,</p> <p>5 it tells you.</p> <p>6 Q It says, "be a robot"?</p> <p>7 A Well basically what they want you to do,</p> <p>8 how they want you to do it, it wasn't like being a</p> <p>9 manager.</p> <p>10 Q You just testified that you -- that</p> <p>11 whenever you told your DM about a situation your DM</p> <p>12 listened to you; right?</p> <p>13 A Yeah, but that --</p> <p>14 MS. REHMAN: Objection to form.</p> <p>15 THE WITNESS: Yeah, thank you.</p> <p>16 A We were talking about something entirely</p> <p>17 different. You're kind of twisting things right about</p> <p>18 now.</p> <p>19 Q I'm not twisting anything. I'm asking you</p> <p>20 to clarify.</p> <p>21 A Yes, ma'am, but you're putting words in my</p> <p>22 mouth. I never said some of the things you're</p> <p>23 repeating back to me.</p> <p>24 Q That's what I'm asking, if I ask you a</p> <p>25 question and you don't agree with the way I said it,</p>	<p>1 BY MS. PUCKETT:</p> <p>2 Q Okay, that wasn't very robotic, was it?</p> <p>3 A What?</p> <p>4 Q Taking your situations to your district</p> <p>5 manager?</p> <p>6 A No, that wasn't very robotic, at all. But</p> <p>7 that's not the way the -- you know, it wasn't -- just</p> <p>8 to answer your question, no, it wasn't very robotic.</p> <p>9 Q So you did things other than being a robot;</p> <p>10 correct?</p> <p>11 A Okay, 90 percent of the time I was a robot,</p> <p>12 how is that? The other ten percent I was taking stuff</p> <p>13 that I needed to take to my district manager, so how</p> <p>14 is that?</p> <p>15 Q So ten percent of your time you spent</p> <p>16 taking situations to your DM?</p> <p>17 A Yep, not being a robot. Yes, ma'am,</p> <p>18 exactly.</p> <p>19 Q Okay. Let's talk about --</p> <p>20 A Mm-hmm.</p> <p>21 Q -- earlier you testified that you needed a</p> <p>22 manager to be on the overnight shift because otherwise</p> <p>23 there would be chaos; right?</p> <p>24 A Yes.</p> <p>25 Q So if I -- if I ask a robot to be in the</p>



Yatram Indergit, et al. v. Rite Aid Corporation, et al.  
Vincent Brown

08 CV 9361 (PGG)

October 17, 2011

43 (Pages 166 to 169)

Page 166

1 store overnight would that suffice to keep people from  
2 stealing?

3 MS. REHMAN: Objection to form.

4 A No, ma'am.

5 Q So really, you were being a robot, but you  
6 were also watching the store; right?

7 MS. REHMAN: Objection to form.

8 A That was part of our robotic job, yes,  
9 ma'am.

10 Q But if I put a literal robot in the store  
11 he couldn't have prevented -- it couldn't have  
12 prevented people from stealing?

13 A Because it's not a person.

14 Q Correct. So really, when you say you were  
15 a robot part of your job involved robotic duties, but  
16 you were simultaneously having to be a person;  
17 correct?

18 MS. REHMAN: Objection to form.

19 A That sound like somebody Star Trek, right  
20 there. I'm not laughing at you. I'm laughing with  
21 you.

22 Q I understand. I'm laughing.

23 A But that was a good one. I like that one.  
24 Yes.

25 Q You talked about the time when you did not

Page 168

1 Q And then what about before Rite Aid took  
2 over?

3 A Forty-five, I could go fishing, I could go  
4 hunting, I could go see my grand kids play. I can't  
5 do that -- I couldn't do any of that with Rite Aid.

6 Q So after Rite Aid took over your hours  
7 increased to about 55, on average, per week; correct?

8 A That's with -- yes.

9 Q And then after Peru got fired that  
10 increased to a bunch?

11 A Yes.

12 Q What else would change the amount of hours  
13 you would work, maybe seasonal, did -- did --

14 A Oh, yes, seasonal always played any -- you  
15 know, you expect to do -- you expect to do more hours  
16 during the seasonal, like Halloween, Thanksgiving,  
17 Christmas, and then it gets back down to normal right  
18 after New Year's.

19 Q How often -- let's go back to when you  
20 worked for Eckerd. How often did your DM visit?

21 A Probably once every three months.

22 Q When Rite Aid took over you had two  
23 different DMs, tell me about the first one, how often  
24 did he visit?

25 A Well, he was my -- he was my second DM from

Page 167

1 have an assistant store manager to work the overnight  
2 shift. How many hours a week would you average during  
3 that period of time?

4 A A bunch. I'm saying like 60, 70, I mean,  
5 like I said earlier, it -- it -- every day seemed like  
6 it was just the same day, because you doing the same  
7 thing constantly, constantly. I didn't -- I wasn't  
8 getting paid for the hours so why should I keep track  
9 of them? But it was a bunch of hours, miss.

10 Going in at 10:00, 10:00 p.m., get off at  
11 12:00 noon, come back at 10:00 p.m., and do the same  
12 thing, constantly, for four, four and a half months,  
13 constantly.

14 Q And this was, again, for the record, to the  
15 time period where you had to box up all the Eckerd  
16 freight; correct?

17 A It was during the time period when that  
18 occurred and when they fired Peru, yes, ma'am.

19 Q Would you agree with me that you worked  
20 more after they fired Peru?

21 A Oh, yeah, oh, yeah, I would agree with you  
22 a hundred percent, there.

23 Q And how many hours, before they fired Peru,  
24 did you work per week?

25 A Probably 55.

Page 169

1 Eckerd.

2 Q I see.

3 A That he was a Eckerd DM.

4 Q And he was there during the transition; is  
5 that right?

6 A They transferred him to Maryland then we  
7 got this other guy. I wish I could think of the other  
8 guy's name but I can't.

9 Q Okay. So this, the second DM you had --

10 A Mm-hmm.

11 Q -- was also an Eckerd DM?

12 A No.

13 Q Okay. Let's clarify. I'm -- the first DM  
14 you ever had with Eckerd he visited about once every  
15 three months; right?

16 A Yes, ma'am.

17 Q And then your second DM, you don't remember  
18 his name, how often did he visit?

19 A About the same, just like a DM, if you've  
20 got everything in order they don't need to come by  
21 that often.

22 Q So the frequency of district manager visits  
23 would depend on how well your store was doing?

24 A Yes, ma'am.

25 MS. REHMAN: Objection to form. You can



**Yatram Indergit, et al. v. Rite Aid Corporation, et al.**  
**Vincent Brown**

08 CV 9361 (PGG)

October 17, 2011

53 (Pages 206 to 209)

Page 206	Page 208
<p>1 MS. REHMAN: Objection to form.</p> <p>2 A Because I could fire people with Eckerd. I</p> <p>3 couldn't fire people with Rite Aid. That's how the</p> <p>4 results would have been different.</p> <p>5 Q But you could tell your district manager?</p> <p>6 A No.</p> <p>7 Q And you testified earlier that your</p> <p>8 district manager trusted your judgment; correct?</p> <p>9 MS. REHMAN: Objection to form.</p> <p>10 A Mm-hmm, yes.</p> <p>11 Q So since you never presented your new</p> <p>12 district manager with the situation of someone to fire</p> <p>13 you don't know whether the result would be different;</p> <p>14 correct?</p> <p>15 A Well, when they tell you that -- that you</p> <p>16 send all your problems to me before you do anything,</p> <p>17 what I mean, what else is there? How clear could that</p> <p>18 be?</p> <p>19 Q I'm asking you if the result was different</p> <p>20 and you're telling me that it never happened so you</p> <p>21 don't know; is that fair?</p> <p>22 A Yes.</p> <p>23 Q And so we talked about ordering, is it your</p> <p>24 testimony that you never ordered after -- Rite Aid --</p> <p>25 Rite Aid took over?</p>	<p>1 Q And then the second one was a year or so</p> <p>2 later; right?</p> <p>3 A Mm-hmm.</p> <p>4 Q Yes?</p> <p>5 A Yes.</p> <p>6 Q But that didn't happen at the same time in</p> <p>7 every single store, did it?</p> <p>8 MS. REHMAN: Objection to form.</p> <p>9 A The transition, yeah, the transition, both</p> <p>10 of those transition, happened as a company, miss.</p> <p>11 Q How do you know regarding the second</p> <p>12 transition?</p> <p>13 A Sending the merchandise back?</p> <p>14 Q Yes.</p> <p>15 A Because all the stores that were Eckerd had</p> <p>16 to send the merchandise back.</p> <p>17 Q How do you know at what period in time that</p> <p>18 that occurred?</p> <p>19 A I don't know that.</p> <p>20 Q Okay.</p> <p>21 A I don't know that.</p> <p>22 Q That's what I was asking.</p> <p>23 A I don't know that.</p> <p>24 Q So you don't know exactly when that</p> <p>25 happened for any other stores than yours; correct?</p>
Page 207	Page 209
<p>1 A Their system wasn't an ordering system, it</p> <p>2 was a replenishing system.</p> <p>3 Q Auto replenishment; correct?</p> <p>4 A Replenishment system, correct.</p> <p>5 Q And Eckerd didn't have that; correct?</p> <p>6 A No.</p> <p>7 Q But the first year that you worked under</p> <p>8 Rite Aid you said it was business as usual. So the</p> <p>9 auto replenishment didn't take over until the second</p> <p>10 transition; is that right?</p> <p>11 A Yeah, they cut off the Eckerd one, yes.</p> <p>12 Q So how would I know when the actual</p> <p>13 transition happened, from Eckerd to Rite Aid, in any</p> <p>14 given store; how would I know that?</p> <p>15 A I don't know.</p> <p>16 Q I would have to ask every individual store</p> <p>17 manager; right?</p> <p>18 A I don't know.</p> <p>19 Q I would have to ask every district manager;</p> <p>20 right?</p> <p>21 A I don't know.</p> <p>22 Q Because you're saying that the actual</p> <p>23 transition, the first and second transition, the first</p> <p>24 one was when Rite Aid actually bought Eckerd; right?</p> <p>25 A Yes.</p>	<p>1 A No, ma'am.</p> <p>2 Q What about any other stores in your</p> <p>3 district did it happen around the same time for those</p> <p>4 stores?</p> <p>5 A I don't know.</p> <p>6 MS. REHMAN: Objection to form.</p> <p>7 A I don't know.</p> <p>8 Q Earlier you talked about a job in jeopardy</p> <p>9 form; right?</p> <p>10 A Mm-hmm.</p> <p>11 Q Yes?</p> <p>12 A Yes.</p> <p>13 MS. PUCKETT: I'm going to mark Brown 2.</p> <p>14 (Brown Exhibit No. 2 was marked for</p> <p>15 identification.)</p> <p>16 BY MS. PUCKETT:</p> <p>17 Q I want you -- I want you to look at that</p> <p>18 form and tell me if this is the form you were talking</p> <p>19 about, the first two pages?</p> <p>20 A This is the supervisor's signature. Do you</p> <p>21 know who that is?</p> <p>22 Q Well, I was hoping you can tell me.</p> <p>23 A I don't know who that is, I can't even make</p> <p>24 that out.</p> <p>25 Q That's your signature on the left-hand</p>



**Yatram Indergit, et al. v. Rite Aid Corporation, et al.**  
**Vincent Brown**

**08 CV 9361 (PGG)**  
**October 17, 2011**

**65 (Pages 254 to 257)**

Page 254	Page 256
<p>1 just supposed to go and take somebody's register down,  2 and put a new till in it, and then go back and count  3 it into the system, which indicates an audit. And  4 they would know if you were doing that or not.  5 Q Did Peru do cash register audits?  6 A Mm-hmm.  7 Q Yes?  8 A Yes.  9 Q Did Tobias?  10 A I think he did.  11 Q Overnight -- did -- did anyone do cash  12 register audits?  13 A Well, you had to count the tills at the end  14 of the shifts.  15 Q When I say cash register audits do you  16 understand me to be saying random audits?  17 A Not that -- well, there was only either one  18 or two registers open at night. I mean, you could  19 have done them, but I don't think we did them at night  20 because, like I said, at the end of their shifts the  21 tills had to be counted.  22 Q Did your shift supervisors, like Sheiffel,  23 do cash register audits?  24 A Yes.  25 Q You said after Rite Aid took over you</p>	<p>1 then; is that your testimony?  2 A I couldn't. The only one that could hard  3 order was the DM.  4 Q Okay?  5 A That can replace, they're the only one that  6 can say, well, he needs this, let's go ahead and get  7 that through there.  8 Q Okay. When I say hard order I mean request  9 your DM for something?  10 A Mm-hmm.  11 Q Did you ever hard order?  12 A Well, I requested that we needed certain  13 items, yes, ma'am.  14 Q And you didn't get them. But you also  15 qualified that by saying you didn't stick around?  16 A It wasn't that --  17 MS. REHMAN: Objection to form. You can  18 answer.  19 THE WITNESS: Thank you.  20 A It wasn't that I didn't stick around, I got  21 terminated.  22 Q Right. But you weren't around for the  23 post-transition Rite Aid world?  24 A I can't -- can't comment on that world. I  25 was never there.</p>
Page 255	Page 257
<p>1 didn't order merchandise anymore?  2 A No, we didn't.  3 Q Have you heard the term hard order; do you  4 understand what I mean by that?  5 A That's in case you want something that you  6 can't get through the regular replenishment system you  7 can go to your DM and they can put in an order for  8 you.  9 Q And you can make requests; right?  10 A Yes.  11 Q And did you ever do that?  12 A Oh, yeah, we -- we never got it.  13 Q You --  14 A We never --  15 Q You never got it?  16 A We never -- no, we never -- well, remember,  17 I wasn't around to see what a real Rite Aid was  18 supposed to work like, remember?  19 Q It was only during --  20 A So I didn't see that, all I saw was getting  21 the merchandise out of there, all the Eckerd stuff,  22 and then four, four and a half months later the Rite  23 Aid stuff starts trickling in, and we set the  24 plan-o-grams and the merchandise started trickling in.  25 Q So -- so you -- you never did hard order,</p>	<p>1 Q Did you ever do the ad order?  2 A All of -- well, with the Rite Aid,  3 remember, we weren't getting the merchandise, that's  4 where I said earlier this morning we had to go to Rite  5 Aid stores to get ad merchandise because they weren't  6 sending it to into the Eckerd stores at all.  7 Q So you went yourself --  8 A Yep.  9 Q -- to the stores?  10 A Yep.  11 Q Like with your own car?  12 A Yep, my own gas and everything, that's  13 right.  14 Q You loaded up your car?  15 A Yes, I did.  16 Q And that's what ad ordering was, was you  17 driving in your car to another store?  18 A Yeah. Yeah.  19 Q And that was for a period of about -- of  20 about four to five months?  21 A Mm-hmm, until the merchandise started. I  22 think they said that they had to open -- they hadn't  23 opened the system to the store yet or something to  24 that effect.  25 Q So you don't know whether it was like that</p>



**Yatram Indergit, et al. v. Rite Aid Corporation, et al.**  
**Vincent Brown**

**08 CV 9361 (PGG)**  
**October 17, 2011**

**86 (Pages 338 to 341)**

Page 338	Page 340
<p>1 Q I don't know. I'm just asking you to make  2 sure.  3 A No, ma'am. No, ma'am, not that -- I can't  4 fluff nothing up with Rite Aid, I'm sorry.  5 Q So if I read a copy of your resumé it would  6 be accurate; correct?  7 A Yes, it would.  8 Q Have we talked about all of your jobs since  9 school, have we mentioned all of them?  10 A I only had two jobs, miss.  11 Q Right?  12 A K-Mart and Rite Aid, I mean, K-Mart and  13 Eckerd.  14 Q K-Mart, Eckerd, Rite Aid and then your  15 current job?  16 A Yes. And this is a part-time job, if you  17 want to call that a job.  18 Q And the senior center did you apply to  19 volunteer there?  20 A Yes, I did.  21 Q And did you give them a resumé?  22 A They didn't need one, for a volunteer they  23 didn't need a resumé.  24 Q What is the name of your current employer?  25 A Fairfax County.</p>	<p>1 MS. REHMAN: I know you want to be out of  2 here.  3 EXAMINATION BY COUNSEL FOR PLAINTIFF YATRAM INDERGIT  4 BY MS. REHMAN:  5 Q During your time with Rite Aid, that's the  6 time period during in which we're discussing now, can  7 you identify your job duties as a store manager?  8 MS. PUCKETT: Objection to form.  9 BY MS. REHMAN:  10 Q You can answer.  11 A Oh, okay.  12 MS. PUCKETT: Same rules apply. Same rules  13 apply.  14 BY MS. REHMAN:  15 Q Same rules apply?  16 A It was basically the -- it was to make sure  17 that the store is making profit, make sure that all  18 our plan-o-grams are up to date, make sure you take  19 care of all your associates, what do you call it,  20 their annual reviews, because, you know, everybody  21 wants to get more money, and keep on the order  22 schedule. Without being on the order schedule you  23 can't get merchandise in the store.  24 Q Did you stock shelves as a store manager  25 working for Rite Aid?</p>
Page 339	Page 341
<p>1 Q So it's the government?  2 A Yep, the government, yes.  3 Q Fairfax County, that's the county  4 government; right?  5 A Yes.  6 Q And you're paid by the hour; right?  7 A Yes.  8 Q Were there any other facts that we haven't  9 discussed that relate to this lawsuit?  10 A No, ma'am, I think we done discussed facts  11 that I didn't even know about, so yes.  12 Q So you're saying I'm very thorough is what  13 you're saying?  14 A Yes, you're very thorough.  15 Q Was your pay ever docked at Rite Aid?  16 A No.  17 Q Or Eckerd?  18 A No.  19 Q And your testimony today has been complete  20 and accurate?  21 A Yes, ma'am.  22 MS. PUCKETT: Okay.  23 MS. REHMAN: All right. Just going to ask  24 you a couple of questions.  25 THE WITNESS: Yes, ma'am.</p>	<p>1 MS. PUCKETT: Objection, asked and  2 answered.  3 BY MS. REHMAN:  4 Q Okay, you can answer it.  5 A Yes, I did.  6 Q Did you work on the cash register as a  7 store manager for Rite Aid?  8 MS. PUCKETT: Same objection.  9 A Yes, I did.  10 Q Did you clean as part of your job duties as  11 a store manager for Rite Aid?  12 MS. PUCKETT: Same objection.  13 A Yes, I did.  14 Q Did you unload trucks as a store manager  15 working for Rite Aid?  16 A Yes, I did.  17 MS. PUCKETT: Same objection.  18 BY MS. REHMAN:  19 Q Did you price items working as a store  20 manager for Rite Aid?  21 A We didn't price the items but we made  22 labels for the counters and the shelves.  23 Q Did you consider the tasks that I just  24 listed as part of your regular duties as a store  25 manager for Rite Aid?</p>



Yatram Indergit, et al. v. Rite Aid Corporation, et al.  
Vincent Brown

08 CV 9361 (PGG)  
October 17, 2011

87 (Pages 342 to 345)

Page 342	Page 344
<p>1 MS. PUCKETT: Same objection. 2 A Yes. 3 Q To your knowledge were these tasks part of 4 your job description working as a store manager for 5 Rite Aid? 6 A For Rite Aid? Well, we never got any type 7 of job. I was just going off of what we had as 8 Eckerd. 9 Q Did your job description at Eckerd include 10 cleaning as a store manager for Eckerd? 11 A It didn't include cleaning, because we had 12 someone to clean, it was to make sure that it was 13 done. But you didn't have to do it yourself because 14 we had people to make sure that it was done. 15 Q Were you able to supervise your store 16 effectively while you were stocking shelves? 17 MS. PUCKETT: Objection to form. 18 A It was impossible. 19 Q Why was it impossible? 20 A Because of the shelves. The counters was 21 72 inches high. You can't see over them. All you can 22 see was what was down at that end of the counter and 23 what was down at that end. 24 Q And just to be clear we're still talking 25 about your time period as a store manager working for</p>	<p>1 THE WITNESS: Oh. 2 MS. PUCKETT: Same thing. 3 A We were outside. We couldn't see nothing 4 inside. 5 Q Did you ever work at the one-hour photo 6 section? 7 A Mm-hmm. 8 Q Doing what? 9 A Process, starting up the machines, shutting 10 down the machines, getting customers' pictures, 11 unjamming the picture machine. 12 Q Could you have assigned an hourly associate 13 to do those tasks? 14 A No. 15 Q Why not? 16 A Because the -- it was overnight. All I had 17 was the cashier, and the cashier basically was just 18 there to do the running of the cashier. People would 19 come up and stick their little cards in there, because 20 we're a 24-hour store they think that the one-hour 21 photo was still open. And the thing would just drop 22 inside. So basically you have to take the front off 23 to get that little SIM card out of there. 24 Q You had testified earlier that there was a 25 budget cut and there was a cut in payroll and</p>
Page 343	Page 345
<p>1 Rite Aid? 2 A Yes. 3 Q And where were the cash registers in Rite 4 Aid located in your store? 5 A At the front of the store. 6 Q And if you were at the cash register in 7 front of the store could you see what one of your 8 employees in the back of the store was doing? 9 A There was one that I could walk down, I 10 think it was register three, and I could see 11 basically, yes, straight down and see what was going 12 on. 13 Q You could see straight down the store? 14 A On that side, where register three was. 15 Q Could you see on the other side, where the 16 register wasn't? 17 A No, ma'am, unless I walked all the way over 18 to the one-hour photo, which I did, quite a few times, 19 too, because I wanted to see where everybody was, so 20 that's how I used to do my normal patrol. 21 Q And what about when you were unloading the 22 truck, were you able to supervise your employees 23 effectively? 24 A No. 25 MS. PUCKETT: Object to form.</p>	<p>1 therefore you had to cut hours; is that correct? 2 A Yes. 3 Q Did this payroll cut and cut in hours 4 affect your ability to staff the store? 5 A Oh, big time. 6 Q How so? 7 A Well, we went from being able to have 8 people to clean the bathrooms to you had to do them 9 yourself. Either that or get someone to go back and 10 help you, it depends on how bad the job was, if it was 11 something that I figured I could just do myself, just 12 hold my breath long enough, I would go in there and do 13 it. But I'll never do that again. I don't even think 14 I want to change my granddaughter's diaper, now. 15 Q Did the cut in hours affect the job duties 16 that you took on as a store manager or that you were 17 required to do as a store manager? 18 MS. PUCKETT: Objection, compound. 19 A Yes. 20 Q Let me -- let me restate it so that it's 21 clear. 22 A Okay. 23 Q The cut in payroll and the cut in hours -- 24 A Mm-hmm. 25 Q -- did that affect the job duties that you</p>



**Yatram Indergit, et al. v. Rite Aid Corporation, et al.**  
**Vincent Brown**

**08 CV 9361 (PGG)**  
**October 17, 2011**

**88 (Pages 346 to 349)**

Page 346	Page 348
<p>1 were required to perform in the store as a store  2 manager for Rite Aid?  3 A Yes, ma'am. Yes, ma'am, it did.  4 Q How so?  5 A Well it couldn't all be done without help.  6 You need more than the packing up of all that freight  7 and shipping it off, and getting it from upstairs to  8 downstairs and on the truck, you know, if you had an  9 extra hand you could have gotten it done a lot  10 quicker.  11 Q You mentioned packing up the freight at  12 various times throughout your testimony. Who told you  13 or who directed you to pack up the freight?  14 A Rite Aid.  15 Q Do you know who from Rite Aid?  16 A It was from the regional office. They gave  17 us a -- a thick binder, ten times as thick as this,  18 and we had to go through it all, find all -- they  19 weren't taking all the merchandise back. And you had  20 to find it and put the counts on it.  21 Q Did you ever meet anyone from the regional  22 office?  23 A When we had to go there, yeah.  24 Q When did you have to go there?  25 A When we -- when we weren't selling enough</p>	<p>1 employees to keep up with, but I also had a lot of  2 help. I had a lot of assistants. I had my own  3 personnel. I had the department managers. So you  4 know, the bigger the unit the more -- the more people  5 you need to help you run the unit.  6 Q Do you feel like you needed more people to  7 help you effectively run the Rite Aid when you were  8 working as a store manager for Rite Aid?  9 A Yes.  10 Q Did you tell the regional, when you went to  11 the regional office, did you explain to them that you  12 needed more people to work in the store?  13 A We weren't there to -- to express any other  14 grievances. We were there to get talked to about not  15 selling balloons, that was the main cause for all of  16 us going up there, or the main reason, not a cause.  17 Q You said "all of us." Who is all of us?  18 A All the managers in my district. There had  19 to be like ten or -- ten or twelve of us, plus the DM  20 and the loss prevention manager went, also.  21 Q Did you have any say in setting payroll --  22 A No.  23 MS. PUCKETT: Objection.  24 BY MS. REHMAN:  25 Q -- while working as a store manager for</p>
Page 347	Page 349
<p>1 of those balloons, those Miracle balloons.  2 Q Do you remember the name of the person you  3 met with?  4 A No. I can't even remember my DAs name. I  5 sure enough wasn't going to remember his name.  6 Q Do you remember when you went?  7 A It had to be like this time of the year  8 because it was kind of cold when we got up there.  9 Q But you don't remember which year?  10 A It could have been 2000 -- the fall of  11 2008.  12 Q You mentioned that you worked as a store  13 manager for K-Mart?  14 A Mm-hmm.  15 Q For how many -- I'm sorry -- how many  16 years?  17 A Twenty-eight.  18 Q Twenty-eight years?  19 A Mm-hmm.  20 Q How did your job responsibilities as a  21 store manager working at K-Mart differ from your job  22 duties working as a store manager in Rite Aid?  23 A It was -- it was the difference of night  24 and day. I had people. I had -- I had a much larger  25 building to manage. I had a much -- many more</p>	<p>1 Rite Aid?  2 A No, not at all.  3 Q What about setting the budget, did you have  4 any say --  5 A No.  6 Q -- or input in setting the store budget  7 while working as a store manager for Rite Aid?  8 A No, ma'am.  9 Q Were you able to change the budget?  10 A If you wanted to get in trouble. You  11 couldn't change it, you just didn't abide by it, if  12 they told you that you had 35 hours to work, and you  13 worked 45 hours, you was going to hear it.  14 Q From whom?  15 A From the DM.  16 Q Whose ultimate responsibility was it --  17 strike that -- who was ultimately responsible for the  18 profit -- bit of profitability of your store?  19 A When?  20 Q While you were working as a store manager  21 for Rite Aid?  22 A It was the -- it was the company. They  23 sent the merchandise in, we never ordered any  24 merchandise, it was up to them to send the merchandise  25 in.</p>



**Yatram Indergit, et al. v. Rite Aid Corporation, et al.**  
**Vincent Brown**

**08 CV 9361 (PGG)**  
**October 17, 2011**

**89 (Pages 350 to 353)**

Page 350	Page 352
<p>1 Q Was there any merchandise that you knew  2 sold in your store, while you were working for Eckerd,  3 that you couldn't have in your store -- store -- while  4 working for Rite Aid?  5 A Oh, yeah.  6 MS. PUCKETT: Objection, asked and  7 answered.  8 A There was a number of items that customers  9 requested for us to try to get back. And we just  10 never could get them back.  11 Q Why not?  12 A Because it wasn't in the assortment.  13 Q And who provided you with the assortment?  14 A Rite Aid.  15 Q Do you think that if you had that  16 merchandise the store would have been more profitable?  17 A It wouldn't have been a loss --  18 MS. PUCKETT: Objection, calls for  19 speculation.  20 A Yes.  21 Q How much authority did you have to run your  22 own store while working as a store manager for Rite  23 Aid?  24 MS. PUCKETT: Objection to form.  25 A You -- you want it in percent?</p>	<p>1 A We never got around to --  2 Q You never got around to it?  3 A -- do that.  4 Q Do you recall the computer program that you  5 used while working for Eckerd, do you recall the name  6 of it?  7 A Not -- no.  8 Q No?  9 A All I know it worked for us better than  10 Rite Aid. What was it called, Prism? Was it Prism?  11 I think it was called Prism.  12 Q Okay.  13 MS. REHMAN: I think I am done.  14 MS. PUCKETT: Okay. I just have a few  15 follow-up questions.  16 THE WITNESS: Okay.  17 EXAMINATION BY COUNSEL FOR DEFENDANT RITE AID  18 BY MS. PUCKETT:  19 Q The time period we were just discussing,  20 your attorney said while you worked for Rite Aid, you  21 understood that to mean after the second transition;  22 correct?  23 MS. REHMAN: Objection to form.  24 A Well, what I understood is when I worked  25 for Rite Aid.</p>
Page 351	Page 353
<p>1 Q No, just --  2 A Not much.  3 Q What do you mean by not much?  4 A Well, like I kept emphasizing to Bonnie,  5 right?  6 MS. PUCKETT: Yes.  7 A We were robots, you know, you just do what  8 you're told, that's all you would do, you just do what  9 you're told.  10 Q Who made the final decision regarding  11 hiring staff while working as a store manager for Rite  12 Aid?  13 MS. PUCKETT: Objection, asked and  14 answered.  15 A The DM.  16 Q What about firing staff?  17 A The DM.  18 Q Promoting staff, who had the final say,  19 while you were working as a store manager for Rite  20 Aid?  21 MS. PUCKETT: Same objection.  22 A Well, I never promoted anybody, so I guess  23 it would still have to go through him.  24 Q Did the DM review any of the evaluations  25 that you completed regarding the hourly employees?</p>	<p>1 Q And you testified earlier that things were  2 business as usual until the second transition; right?  3 A Well, look, Bonnie, Rite Aid stayed out of  4 the picture for a whole year, so I cannot consider  5 that as being Rite Aid when we were still doing  6 business as Eckerd. We were still getting Eckerd  7 merchandise in and everything.  8 Q Okay.  9 A So I can't consider that first one. Yes,  10 we were purchased by Rite Aid, at that point in time,  11 but they -- no individual came around for a whole  12 year.  13 Q Okay. I just wanted to make the record  14 clear --  15 A Yes, ma'am, I understand.  16 Q -- as to the discussion that we just had,  17 that was all regarding after the second transition;  18 correct?  19 A After the second transition?  20 Q The packing of the freight?  21 A Well, I can't say yes to that, Bonnie,  22 because it -- Rite Aid didn't come and they didn't do  23 anything for a year. They didn't even -- we didn't  24 even sell Rite Aid merchandise. We just was acquired  25 by Rite Aid, on paper. There was nothing about the</p>



**Yatram Indergit, et al. v. Rite Aid Corporation, et al.  
Vincent Brown**

**08 CV 9361 (PGG)  
October 17, 2011**

**94 (Pages 370 to 373)**

Page 370	Page 372
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2 I, VINCENT BROWN, do hereby acknowledge that I	2 IN RE: Yatram Indergit v. Rite Aid
3 have read and examined the foregoing testimony, and	3 RETURN BY: _____
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5 of the testimony given by me and any corrections	5 _____
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Page 371	Page 373
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13 and affixed my notarial seal this 27th day of October	13 _____
14 2011.	14 _____
15 My commission expires:	15 _____
16 November 30, 2012	16 _____
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